1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

been told of many political leaders who rubber stamp decisions about land transfer, simply registering the fact and witnessing its legality. In some cases, however, there is interference, and it is generally discovered when this happens that there have been some previous difficulties in the owner's relationship to the political leader.

Farm plots are generally used for periods of four to eight years. Then they are allowed to lie fallow for about the same length of time. Everyone in the community knows a fallow field and its owner, and there would be trouble if someone tried to use one of these without the owner's permission. If fallow land is unused because the owner has moved away or has given up farming, then the land reverts to the common disposal of the community as a whole. The political leader can then allot these lands to newcomers or other community members, although he would generally be careful to check claims on them by previous owners and their relatives before doing this.

In summary, from the point of view of the people themselves, there are four different kinds of land around a Kanuri village. First, there is land owned outright by the household head over which he has complete authority. Secondly, there is land that has been cleared by a household head or that he was given the right to use by his local leader and which may become totally his or that of his heirs after long years of use and/or inheritance. Thirdly there is resting land, which is a farm plot that has been in use but whose depleted soil the owner will likely use again. If he moves away without trying to dispense with any of these plots then they revert to free land. Finally, there is free unused land around the settlement that can be used for newcomers or those trying to expand their holdings. As far as ownership is concerned, about sixty percent of all land in Magumeri was obtained through inheritance. The remaining forty percent was almost all new land cleared outside the present circumference of farm plots in which the plots had been registered with the village head whose permission had been granted. The important thing to remember about this system is that it works. Litigation over land in Magumeri had to do mostly with what we call "trespassing." People were brought to the courts because they (usually their livestock) had infringed on someone's right to land. There was very little difficulty in general over transfers. People knew what rights were held and how they could transfer these rights to others.

Except for the few farmers who produce either specialized crops like yams or tobacco and then market them, most Kanuri have a dry season occupation such as craftwork, trade, or a service occupation such as native doctoring or barbering. These they view as an occupation, while farming, unless it is the only specialty carried out, is viewed as an important side line. As we have seen in the chapter on the life cycle, recruitment into an occupation is carried on by an apprenticeship system within the household organization. This is even the case for some western types of occupation such as truck driving, and it only recedes in importance when western type schooling is involved.

Traditionally, occupations in Bornu have been organized under head men in each settlement and under an overall head man for the entire occupation who lived in the capital city. Today the traditional occupations such as blacksmith, leather worker, butcher, and so on still have such an organization, although the privileges and duties of a head man are very few and do not extend beyond his local settlement. Nevertheless, men in Magumeri who are butchers, blacksmiths or dyers, and

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

Besides the interlocking cycles of local markets many villages and all cycles have links with the larger centers of the export-import trade of Bornu Province. If there are roads, trucks bring out goods and people from the city at least once a week and take back locally produced things to the city. Where there are no roads the camel caravan and donkey load do the same job they have done for centuries. Where the market is too small or too remote, then the interlocking nature of the cycle brings and takes goods to a larger place on a main route.

Markets, especially those on motor roads, tend to set the pattern or rhythm of intersettlement communication and travel. Thus if Bukar of Magumeri wishes to take several bags of millet to Yerwa (the usual name for Maiduguri), he knows that he can get a lorry at the Thursday, Sunday, or Monday markets which will take him and his goods to the capital. Again if Bukar's sister is coming to visit him from the capital or some other distant place in Bornu, she will arrive on a market day. If a man's wife wishes to divorce him or he her, she must wait until market day to leave him in order to obtain proper transportation back to her relatives if they live in some distant part of the province. Thus the market cycle plus the presence of lorries and roads determines a large part of the rhythm of rural life and this in turn adds zest, interest, and excitement to market days. Beyond this rhythmical quality markets are also major sources of news and gossip about politics, marriages, births, circumcisions, and deaths. Pagans brew beer for sale on the local market day, and gamblers hold card games in the nearby bush area. Gambling, strangers, new bits of gossip, perhaps a new woman or two, drummers and entertainers, all contribute and create not just an ordinary day for buying and selling goods, but a festive occasion that is regarded as a welcome break or relief in the daily monotony of rural life.

Most markets have very little formal organization. Each one has its head man or "big man of the market" to whom disputes are referred, and if he cannot settle the disagreement, then it is taken to the head of the village or to the judge if the village boasts a regular Moslem court. In the capital city the market is so large and disputes so frequent that there is a special court nearby to handle market affairs. In the market itself, each variety of thing being sold has its own section, and, as in the village, the butcher's section is generally on the lee side (southwest) of the market site. In the larger villages market fees are taken from sellers who use the stalls, but this is uncommon in small centers where they just take the first one available as long as they restrict themselves to that section of the market given over to their particular type of selling.

Prices vary with the season, the time of day, and how common the item is. Taking the last point first, a fancy imported man's robe may have a relatively wide price range since not many people buy these, and the seller tries to charge as much as he can. At the other end are items like boxes of sugar cubes which everyone buys regularly. The prices of such items are well known and people do not haggle over them at all but simply give the money to the seller since both know the standard price. Some food commodities such as millet and guinea corn are sold in the Magumeri market at a flat price for a small gourd-full of grain, but the prices vary for a bag of grain over the year. In order to keep prices constant sellers simply vary the size of the gourd. In general, food prices rise during the growing season when they

*177 75 *829 *565 744 the usefulness of the activities in which the agents of this authority engage. Taken at face value, the response of the Aristocracy in column 5 seems to make little sense. Its meaning becomes apparent when the role of this group within the social structure is understood in relation to the behavioral area being investigated.

• 691 627 *177 648 Arbitration of disputes between individuals has been discussed in some detail in the sections dealing with political organization. The traditional Kanuri way of dealing with interpersonal disputes is for the complainant to bring his dispute before an authority figure for arbitration. For the bulk of the populace this means that disputes are brought before the Lowan or the Ajia. The Alkali is also a part of traditional Kanuri society but his authority now derives from external sources. British colonial government has set up the judiciary as an arm of government, and the Kanuri Alkali is part of this larger system. The decisions of the Alkali given in court are backed up by this external source of power. The judgments of the Lowan or the Ajia when he hears cases in sholo receive their support solely from the power vested in positions within Kanuri society. Willingness to take disputes to court, therefore, represents a tendency to seek for sanctions outside of traditional Kanuri society. The data on this question are presented in Table XXVIII. Responses in column 1 state simply that the individual would bring his complaint before the Ajia (or Lowan). The attitude of the Talaka whose response is re-

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[TEXT CONTINUED ON PAGE 291]

[BEIDAM]

Table XXVIII

19. Arbitration of disputes: before Lowan (or Ajia) or in court.

	1. Ajia	2. 1st Ajia then to Court	3. varies with circumstances	4. Court	5. Neither
Aristocracy	1	1	2*a	1	
Koranic Malams			1*b	1	1*c
Canteen Operators		2	1	3*d	
NA Malams		3	1	2*ef	
Kabuna		5*g		1*h	
Craftsmen	1	5*i			
Talaka	2*j	2	1	3*k	
Low-status Individuals	1	2			1
Totals:	5	20	6	11	2

*a Lowan Kagu, the former Lowan states, "If you go to the Ajia, everybody talks it over and cools down. At court they punish the wrong doer. If you are right, you go to court. If you are not right, you go to the Ajia."

*b Koranic Malam: "No one ever did anything to me. If it is a light matter I would go straight to the court. If it is a weighty matter I would go first to the Ajia."

Others in this column stated that they would take a weighty matter to court and a light matter to the Ajia.

*c One malam stated that he would go to neither the Ajia or to court. "I would pray for Allah to take care of it." When asked what he would do if a man stole his goat he said that he would go first to the Ajia. If nothing happened he would sit still and would not go to court.

*d Several of the canteen operators give the following reasons for going to court: 1) "Court is more honest." 2) "The court is the proper judge for Moslems to go to." 3) "Long ago I would have gone to the Ajia. Now only to court. If you go to the Ajia, it's a drawn out affair."

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Table XXVIII (continued)

*177 *e An NA Malan said, "Court. Court knows right and wrong; knows
*691 who is speaking the truth or not. Going to the Lowan only
627 works if your complainant agrees."

*829 *f Another said, "First to court. If you go to Sholo, the person
*565 giving sholo takes money and doesn't punish the person who
has committed a wrong. The court is just and punishes."

*554 *g A typical kabuna response was, "Go to the Ajia. He sends
*463 you to court. He is our superior."

*h An typical kabuna: "Court. Both parties are forced to speak the truth."

*i A young leather worker: "Everyone has his Mai (king). The Lowan helps you; he fixes it. Ajia does the same. In court all are the same before the law. It doesn't help you; only when you are right. I would go to the Wakil of the Ajia with a complaint."

*j A talaka: "Go to the Lowan. The Lowan is my superior. A man who goes to court is stupid. If you go over your Lowan's head, it's no good. He collects your taxes."

*k Another talaka: "Only court. Only the court can enforce anything. If the other party doesn't agree, the Lowan is no use."

corded in *j is typical. Taking a dispute to court means short-cutting the traditional means of settling disputes and is likely to be interpreted by the Lowan as an attempt to go over his head. This would be a foolish thing to do, since the Lowan is one's immediate superior ("He collects your taxes."). Responses in column 2 indicate that one should go first to Ajia, and that the dispute should be taken to court only if the Ajia advises it. The Kabuna's response (*g) states that this should be the procedure because the Ajia is one's superior. The leather-worker (*l) phrases it so that everyone has his superior to whom he must first go with his complaints; these are then smoothed over. The responses in columns 1 and 2 represent traditional responses; 25 individuals (57 per cent) answered in this way.

Some individuals indicated that their course of action would depend on the circumstances. Thus one of the Aristocrats (*a) indicates a perfect understanding of the differences between taking a dispute to the Ajia for sholo and taking it before the Alkali in court. The purpose of sholo is to placate both sides; the court enforces its decisions by punishing the wrong-doer. Therefore, if you are in the right, you can witness the punishment of the individual who has wronged you by taking him to court. If you are not in the right, you are better off before the Ajia, whose aim is to settle the dispute. Several others (*b, *c) indicate that they would do little or nothing in assuming an active role in order to bring those

*177 against whom they have a complaint before either authority.
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*829 Those who would take their disputes directly to court (column 4) offer a variety of reasons for so doing, but the basis of their reasoning is that: the court can determine the truth (and frequently people are required to swear on the Koran in court); the court can enforce its decisions; and sholo requires both parties to accept and be bound by the decision of the
*177 arbitrator (see *e and *k) while the court does not. The 11
627 individuals whose answers fall in column 4 represent members
691 of 6 groups, but the highest proportion of respondents giving
*829 this answer is to be found among the Canteen Operators. Three
44 of this group said "court"; only two said "Ajia first and then court." Furthermore, their reasons for taking a dispute to court are not as convincing as those of other individuals who would also take their disputes to court. In *d are to be found the responses of the three Canteen Operators who would take their disputes directly to court. Neither the first nor the second answer are reasonable explanations. Bribery is possible in cases brought for sholo and equally possible in cases brought before an Alkali; it is no more proper for a Moslem to go to court than it is for him to bring his dispute for arbitration. The third answer is more convincing, though it says only a portion
[178] of what might be said. It seems clear that the Canteen Operators as a group would be more likely to take cases before the Alkali rather than before the Lowan or Ajia because of their own changing status in the social structure. Because they are

[BEIDAN]

177 a rising group, increasingly becoming more wealthy, more powerful, and more prestigeful, they tend to rely less on traditional Kanuri authority figures for resolution of conflict, and rely instead on externally derived authority. This is because they are unsure of their own position in relation to that of the Lowan or Ajia, and equally unsure as to how he sees their relationship. This uncertainty makes them unwilling to place themselves in a vulnerable position with respect to Lowan or Ajia by bringing their complaints to him.

935 The Kanuri place a very high value on charity and generosity. One who possesses worldly goods in abundance should share what he has with others who have little. The individual who occupies a high position in Kanuri society has access to wealth and to power (through which he can also achieve wealth). He is expected to distribute large amounts in charity in order to validate his high position. Every individual in the sample, when asked if he would give away a gown to someone who asked for one, replied that he would give (see Table XXIX). Not a single individual stated that he would refuse to give if asked. Furthermore, 36 individuals (82 per cent) answered with an unqualified "yes." Eight others said that they would give the gown but placed a variety of conditions on giving. The various qualifications placed on giving are presented in the right-hand column of Table XXIX. They range from statements that the other man must be brought by poverty, that you give to someone who is close to you but not to a stranger, to extreme statements

[TEXT CONTINUED ON PAGE 295]

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584 portion of the money for himself.. The pattern emphasizes the patri-
602 lateral group, especially the relatives living in close association with the luwali who are often as not his agnates. However, the girl's mother, her mother's brother and her mother's own parents, if present or nearby, always receive a small part of the luwaliram.

587 With increased age and number of divorces, marriages become more and more an individual matter between the male and the female participants and the woman tends to take over the luwaliram payment for herself. She may be living with relatives at the time who often serve as her intermediaries and collect the payments for her. In this case she gives them a small amount of the luwaliram payment.

584 With the completion of the luwaliram payment the final ar-
585 rangements for the marriage are settled by the parties. The day of the wedding is set in the period of the next few weeks as well as the place of formalization and the price of the sada'a, or second and final payment of the bridewealth. During the time of the luwaliram payments the man tries to iron out the details of the wedding party. How many drummers will there be? How many people are coming (if the girl lives in another town)? What will be the means of conveyance for her and her dowry to the house of the groom? Will many of the wedding party besides the girl's mother stay for the one week confinement period (if she is a virgin)? A score of such questions and decisions about them are usually discussed and agreed upon at this time.

584 If the marriage does not take place after the payment of the
691 luwaliram, generally speaking it can be expected that litigation of some kind will result. If the man breaks it off himself, then the girl's family (or the woman) usually feel aggrieved and try to keep some or even all of the payment. Contrarily, if the girl's family breaks off the wedding,

584 691 the man requests that the luwaliram payment be returned to him (as it should be traditionally). Very often a man may try initially in the judicial proceedings to regain his entire investments, asking not only for the luwaliram, but a sum which includes his entire outlay of capital to date for the wedding. In such cases the position is usually just a beginning for bargaining. However, if the adjudicator can be convinced that the girl's or woman's group intended to defraud, or break faith from the very beginning of negotiations, the man might possibly be awarded more than just the luwaliram by the court. On the other hand, either party has the right of retraction before the formal wedding day ceremony (sada'a) which for the man means forfeiture of his payments, and for the woman and her group, means repayment of the luwaliram to the rejected suitor. For example, in one case observed, a man was repaid his luwaliram because a higher bidder had come on the scene.

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585 In the early morning on the day of the wedding the groom with his male friends and relatives, along with male friends and relatives of the bride's household, meet at the household of the luwali, or at the house of a ranking person of the ward or town for the sada'a. The tendency is to use the luwali's house more among higher ranks in the city, while lower status groups and rural people generally use the compound of a local ranking person. At this time the second and final payment of the bridewealth, the sada'a is made. It is most commonly referred to in Maria Theresa dollars although most often paid in pound sterling. For peasant non-virgin weddings in the Magumeri area during 1956-7, the price seemed to be fairly standardized around the value of 4 M.T. dollars (28-32 shillings). The disposal of this payment is similar to that of the luwaliram.

585 583 [436]

The major part of the ceremony is given over to examining

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explanation of the matter is that his payments merited him more use of the woman than he has received. However, after a year or so (varying with the amount of the bridewealth, the reasons for divorce, the age and number of divorces the woman has previously had) and increasing with time (i.e. use), the husband's claim upon the returnability of his bridewealth diminishes. After a year and a half or so he can reclaim very little, except in proven cases of adultery, where he collects a money compensation awarded by the court. On the other hand, if during the first year of marriage, it can be proven by the girl and her family that the man has given offence or broken the rules, the marriage can be dissolved and the bridewealth forfeited.

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In practice, the system can be manipulated to the detriment of unsuspecting persons. One pathetic individual, who had been enticed into marriage with a virgin, found that the girl's grandmother with whom she had been living was against the marriage. Every time he left town for a day or two the girl's dowry was removed from the girl's hut and taken back to her luwali's compound across town where her grandmother lived. The husband had to threaten court action to get it back. The excuse used was that the girl's family was afraid of thieves. Gossip in the town judged that it was the grandmother who was hoping for a dissolution of the marriage. Townspeople claimed that she was trying to anger the husband by taking the dowry and the girl when he went away and only returning the girl when he came back. The matter soon came to a head when the husband decided to move to the city and take his wife with him. The girl's family disagreed and the matter went to court. The luwali and the grandmother accused the husband of mistreating the girl and claimed that the marriage should be dissolved with forfeiture of the bridewealth. The husband defended himself by saying that he had

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583 only been married two months and had received no use of his capital out-
593 lay, therefore he would only give the girl back if his total marriage
602 expenses were returned. He calculated the amount to be twice the bride-
586 wealth. The judge ruled that since he had only slapped the girl a few
695 times there were no grounds to the charge of mistreatment and the husband should take the young girl to the city with him and try to straighten out his marriage difficulties.

The girl's family then told her to go to the city but not play the role of dutiful wife. Her luwali bragged publicly that she would be returned quite willingly by the husband inside of a week (it was actually three weeks before the girl did return). That is to say, it was predicted by the luwali that the husband would break up the marriage and send the girl out of his house, thereby forfeiting the bride-wealth. Once in the city the girl cooked badly, quarrelled with her co-wife, emptied the poor man's prayer pot when she needed water, and in a hundred little ways made his life miserable. However, she committed no one great offence which the husband felt he could legally get hold of as a respectable person.(1)

In the end, he lost his temper and told her to get out and go back to her family. Before doing so, he recounts how he first gave her a sound beating in order to get at least that much satisfaction from such a material loss in his investment; for in sending her home he was breaking up the marriage and thereby forfeited the bridewealth.

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592 It will be noticed in the above example that the independent

691 (1) The range of complaints for which people will seek adjudication varies
184 with socio-economic and rural/urban status. It is an upper class norm to keep most marital problems private unless it is absolutely necessary to go to court, while in the hamlets a woman was observed who, with her agnatic kin as supporters, brought her husband to court for having had sexual intercourse too frequently and wanted the judge to limit his advances by a ruling of the court.

the aid of magical devices. 000

Besides the greater elaboration and expense of a virgin 585
marriage it is also distinguished by the delivery of the woman's dowry (larusa) to the groom's compound the day after the wedding. In non-virgin marriages the dowry is brought with the woman on the wedding night. This is due to the necessity of proving the virgin status of the young girl. Her material goods cannot be brought over to the husband's house until the terms of the contract are acclaimed as valid. If her 691
virginity is questionable on the marriage night, then a litigation either in or out of court begins, wherein her status as a virgin must be re-assessed and the entire marriage arrangement re-evaluated. The whole community is witness to this validation since the successful deflowering is made public in the middle of the night or early morning by a procession of women of both families, friends and neighbours, who go round the town beating enamel basins, with a drummer in the lead. This serves as an announcement of the marriage consummation and of the discovery of the girl's virgin status by her husband. If there is no procession every one knows something is amiss. Among more traditional families, the groom announces the successful test by emerging from his hut immediately after defloration to shoot a gun into the air.

The second classification of marriage is the kamu gwojin 587
(he takes a woman) which means marrying a woman who has already been married before and is now divorced. There is a great deal of variation in the initiation of such a marriage, but as a general rule it is carried on with much less ceremony and a far greater degree of individual choice is exercised by the couple themselves. This freedom increases with age as well as being more common for all ages (except first marriages) among the lower ranks of society. As a man and woman grow older they demand

441 the Levantine often speaks Kanuri and almost always fluent Hausa; he
439 lives in the African town; and is a Muslim. He is therefore culturally
563 and socially closer to the Kanuri traders than is the European and stands in middleman relationship between the European and the African for many other than simply economic reasons.

178 Pressure to short-cut the Levantine trader continues from
441 the African community. Growing capital resources and acquaintance with
439 western business techniques, besides a growing nationalism which hints at
563 xenophobia, is enlarging the direct contacts between the African and the European trading houses. At least one European firm has recently made a definite move to go to the rural areas and seek out retailers locally to give them small advances of textile goods, thus short-cutting the chain of middlemen which has previously obtained between the European importers and the bush retailer.

Credit

452 Underlying much of the economy of Bornu is a manifold system of credit which eases the operation of the production, consumption and distribution of goods and services. At the local level, credit can
452 be obtained in several ways. A man may borrow money or goods from a
571 friend, relative or superior with whom he has a relationship involving mutual trust. This kind of credit requires no interest. Failure to repay renders future requests less possible and makes the relationship less important for both concerned. Thus if Modu borrows five pounds from his friend or superior and does not repay the loan, other aspects of the relationship such as eating food at his creditor's house begin
[691] to atrophy. Court action is a possibility but only as a last resort and after some overt antagonism since it translates a potentially profitable relationship into one of mutual conflict and such breaches do not heal easily.